

## REMARKS

Claims 1-12 and 14-24 are pending. Claims 1, 8 and 18 have been amended. No new matter has been added. Support for the claim amendments can be found among other places in the instant application serial no. 10/898,650 in the third paragraph of page 27 through the second paragraph of page 28 and in the last paragraph of page 23 through the first paragraph of page 24.

### 103 Rejections

#### Claims 1-3, 5-10, 12, 14-20 and 22-24

In paragraph 3 of the Office Action, Claims 1-3, 5-10, 12, 14-20 and 22-24 are rejected under 35 U.S.C. § 103(a) as being unpatentable EP 0915598 to Matsushita Electric Industrial Co. (referred to hereinafter as "Matsushita") in view of U.S. Patent No. 7,062,250 to Kosaka (referred to hereinafter as "Kosaka"). The Applicants have reviewed the cited references and respectfully submit that embodiments of the instant application are not anticipated nor rendered obvious by Matsushita or Kosaka, alone or in combination.

Claim 1 recites,

A client for receiving multiple description media streams, said client comprising:

a multiple description receiving portion, said multiple description receiving portion adapted to receive a plurality of multiple description bitstreams, wherein said multiple description receiving portion receives a particular multiple description bitstream from a first server that said particular multiple description bitstream is stored on based on a level of service said first server is capable of providing and potentially receives said particular multiple description bitstream at a later time from a second server because said particular multiple bitstream was redistributed to said second server because said second server is capable of providing a higher level of service than said first server;

memory coupled to said multiple description receiving portion, said memory adapted to store said plurality of multiple description bitstreams in respective portions thereof;

a synchronization module coupled to said memory, said synchronization module adapted to blend said plurality of multiple description bitstreams;

a decoder coupled to said synchronization module, said decoder for decoding said plurality of multiple description bitstreams;

a source control module coupled to said synchronization module, said source control module for determining appropriate operation characteristics of said client, wherein said source control module comprises a power strength monitor that monitors power consumption by said client, wherein said client uses information from said power strength monitor to make a decision about how many of said multiple description bitstreams to receive; and

a user interface device coupled to said decoder, said user interface device adapted to present media previously encoded into said plurality of multiple description bitstreams to a user.

Applicants respectfully submit that Matsushita does not teach or suggest, "a multiple description receiving portion, said multiple description receiving portion adapted to receive a plurality of multiple description bitstreams, wherein said multiple description receiving portion receives a particular multiple description bitstream from a first server that said particular multiple description bitstream is stored on based on a level of service said first server is capable of providing and potentially receives said particular multiple description bitstream at a later time from a second server because said particular multiple bitstream was redistributed to said second server because said second server is capable of providing a higher level of service than said first server," (emphasis added) as recited by Claim 1.

Matsushita does not teach "said particular multiple description bitstream is stored" on a first server "based on a level of service said first server is capable of providing. Further Matsushita does not teach redistributing said particular multiple bitstream "to said second server because said second server is capable

of providing a higher level of service than said first server." Therefore, Claim 1 should be patentable over Matsushita.

Kosaka does not remedy the deficiency in Matsushita in that neither Matsushita nor Kosaka teach or suggest, "a multiple description receiving portion, said multiple description receiving portion adapted to receive a plurality of multiple description bitstreams, wherein said multiple description receiving portion receives a particular multiple description bitstream from a first server that said particular multiple description bitstream is stored on based on a level of service said first server is capable of providing and potentially receives said particular multiple description bitstream at a later time from a second server because said particular multiple bitstream was redistributed to said second server because said second server is capable of providing a higher level of service than said first server,"" (emphasis added) as recited by Claim 1.

Therefore, independent Claim 1 should be patentable over Matsushita in view of Kosaka. Independent Claims 8 and 18 should be patentable for similar reasons that Claim 1 should be patentable. Claims 2-7 depend on Claim 8. Claims 9-17 depend on Claim 8. Claims 19-24 depend on Claim 18. Therefore, these dependent claims include all of the limitations of their respective independent claims. Further, these dependent claims include additional limitations which further make them patentable. Therefore, these dependent claims should be patentable for at least the reasons that their respective independent claims should be patentable.

Claims 4, 11 and 21

In paragraph 4 of the Office Action, Claims 4, 11 and 21 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Matsushita in view of Kosaka and further in view of "Error-Resilient Video Compression" (hereinafter, "Apostolopoulos"). The Applicants have reviewed the cited references and respectfully submit that the embodiments recited by Claims 4, 11 and 21 are not anticipated nor rendered obvious by Matsushita, Kosaka or Apostolopoulos, alone or in combination.

Claims 4, 11 and 21 are dependent on Claim 1, 8 or 18. Hence, by demonstrating that Matsushita and Kosaka do not anticipate or suggest the limitations of Claims 1, 8 and 18, it is also demonstrated that Matsushita, Kosaka and Apostolopoulos do not anticipate or suggest the limitations of Claims 4, 11 and 21. Claims 4, 11 and 21 recite additional limitations. Therefore, Claims 4, 11 and 21 should be patentable for at least the reasons that their respective independent Claims 1, 8 and 18 are patentable.

Conclusions

In light of the above remarks, Applicants respectfully request reconsideration of the rejected claims.

Based on the arguments presented above, Applicants respectfully assert that Claims 1-12 and 14-24 overcome the rejections of record, and therefore Applicants respectfully solicit allowance of these claims.

The Examiner is invited to contact Applicants' undersigned representative if the Examiner believes such action would expedite resolution of the present Application.

Respectfully submitted,  
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